

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SENATE BILL 1291

## AN ACT

AMENDING SECTIONS 28-872 AND 28-3515, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3516; AMENDING SECTIONS 28-4802, 28-4804, 28-4834, 28-4836 AND 28-4847, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 28, CHAPTER 11, ARIZONA REVISED STATUTES, TO "ABANDONED, SEIZED, JUNK AND TOWED VEHICLES"; AMENDING TITLE 28, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; PROVIDING FOR THE DELAYED REPEAL OF TITLE 28, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES; RELATING TO TOWING OF VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-872, Arizona Revised Statutes, is amended to  
3 read:

4 28-872. Removal of vehicles: notice: liability for costs:  
5 hearing

6 A. If a police officer finds a vehicle standing on a highway in  
7 violation of section 28-871 the officer may move the vehicle or require the  
8 driver or other person in charge of the vehicle to move the vehicle to a  
9 position off the paved or main traveled part of the highway.

10 B. A police officer may remove or cause to be removed to a place of  
11 safety an unattended vehicle that is illegally left standing on a highway,  
12 bridge or causeway or in a tunnel in a position or under circumstances that  
13 obstruct the normal movement of traffic.

14 C. A police officer may remove or cause the removal of a vehicle to  
15 the nearest garage or other place of safety as follows:

16 1. If a report has been made that the vehicle has been stolen or taken  
17 without the consent of its owner.

18 2. If the person or persons in charge of the vehicle are unable to  
19 provide for its custody or removal.

20 3. If the person driving or in control of the vehicle is arrested for  
21 an alleged offense for which the officer is required by law to take the  
22 person arrested before a proper magistrate without unnecessary delay.

23 4. If the vehicle is left unattended for more than four hours on the  
24 right-of-way of a freeway that has full control of access and no crossings at  
25 grade.

26 5. Within the boundaries of a city, if the vehicle is left unattended  
27 for more than two hours on the right-of-way of a freeway that has full  
28 control of access and no crossings at grade.

29 D. If a police officer removes or causes the removal of a vehicle  
30 pursuant to this section, the police officer shall do ~~one~~ BOTH of the  
31 following when the vehicle is removed:

32 1. Provide to the tow truck operator a form that the police officer  
33 signs and that includes the following information:

34 (a) The vehicle identification number.

35 (b) A number identifying the law enforcement agency and the officer  
36 ordering the tow.

37 (c) The year, make and model of the vehicle.

38 (d) The license plate number if available.

39 (e) The date and time the vehicle was towed.

40 (f) The ~~address~~ ADDRESSES from which AND TO WHICH the vehicle was  
41 towed.

42 (g) The name, address and telephone number, if the telephone number is  
43 known, of the registered owner and the primary lien holder of the vehicle to  
44 permit the towing company to notify the registered owner or the primary lien  
45 holder.

1           2. ~~Electronically~~ Communicate to the officer's law enforcement agency  
2 both of the following and provide to the towing company that towed the  
3 vehicle the name, address and telephone number, if the telephone number is  
4 known, of the registered owner and the primary lien holder of the vehicle:

5           (a) The name, ADDRESS and telephone number of the ~~person~~ TOWING  
6 COMPANY towing the vehicle.

7           (b) The information prescribed by paragraph 1 of this subsection.

8           E. If a police officer provides the tow truck operator with the form  
9 described in subsection D, paragraph 1 of this section, the tow truck  
10 operator must provide the form to the person responsible for filing the  
11 abandoned vehicle report pursuant to section 28-4838. The person responsible  
12 for filing the abandoned vehicle report shall submit the form to the  
13 department of transportation at the time the person files the abandoned  
14 vehicle report.

15           F. The law enforcement agency receiving ~~electronic~~ information  
16 pursuant to subsection D of this section shall ELECTRONICALLY record the  
17 information as prescribed by the department of public safety. The department  
18 of public safety shall make the information available to the department of  
19 transportation.

20           G. When the department of transportation receives the information from  
21 ~~either the department of public safety or the person responsible for filing~~  
22 ~~the abandoned vehicle report pursuant to section 28-4838~~, the department of  
23 transportation shall send notice by first class mail to all persons listed on  
24 the department of transportation's records as having an ownership interest in  
25 the vehicle. The notice shall include the vehicle identification number, ~~and~~  
26 the name and telephone number of the ~~person~~ TOWING COMPANY that towed the  
27 vehicle AND THE ADDRESS TO WHICH THE VEHICLE WAS TOWED. The director of the  
28 department of transportation may include additional information on the notice  
29 as the director deems necessary.

30           H. Except as provided in subsection I of this section:

31           1. The public agency employing an officer who removes or causes the  
32 removal of a vehicle under this section is not liable for the cost of towing  
33 or storing the vehicle if the officer acts under color of the officer's  
34 lawful authority.

35           2. Before release of the vehicle by the towing ~~service~~ COMPANY, the  
36 owner or the owner's agent of a vehicle that is removed or caused to be  
37 removed under this article shall pay or make satisfactory arrangements to pay  
38 for any reasonable towing and storage costs incurred in towing or storing the  
39 vehicle.

40           I. If a tow truck operator is required in writing by a public agency  
41 to tow or store a vehicle that is required as evidence in a criminal action  
42 or for future criminal investigation by the public agency, the public agency  
43 is liable for the towing and storage costs of the vehicle.

44           J. If a police officer removes or causes the removal of a vehicle as  
45 permitted by this section, the public agency employing the officer shall

1 provide the registered owner of the vehicle or the registered owner's agent  
2 with the opportunity for a poststorage hearing to determine the validity of  
3 the removal. This hearing shall be conducted within forty-eight hours after  
4 a request, excluding weekends and holidays. The public agency employing the  
5 officer may authorize its own officer or employee to conduct the hearing if  
6 the hearing officer is not the same person who removed or caused the removal  
7 of the vehicle. The public agency employing the officer who removes or  
8 causes the removal of the vehicle is responsible for the costs incurred for  
9 towing and storage if it is determined at the hearing that probable cause for  
10 the removal cannot be established.

11 Sec. 2. Section 28-3515, Arizona Revised Statutes, is amended to read:

12 28-3515. Unclaimed vehicles

13 NOTWITHSTANDING THE TEN-DAY PERIOD PRESCRIBED BY SECTION 28-4838,  
14 SUBSECTION A, if a claim has not been made for the return or possession of  
15 the vehicle by a person legally entitled to the vehicle within thirty days  
16 after a vehicle is impounded pursuant to this article, the person who has  
17 possession of the vehicle shall submit an abandoned vehicle report as  
18 provided in section 28-4838 WITHIN TWO BUSINESS DAYS AFTER THE EXPIRATION OF  
19 THE THIRTY-DAY PERIOD. The immobilizing or impounding agency shall require  
20 the person who takes possession of a vehicle pursuant to this section to  
21 obtain a release for the vehicle from the immobilizing or impounding agency.

22 Sec. 3. Title 28, chapter 8, article 9, Arizona Revised Statutes, is  
23 amended by adding section 28-3516, to read:

24 28-3516. Removal of vehicles; notice

25 A. A PEACE OFFICER WHO CAUSES THE REMOVAL OF A VEHICLE FOR  
26 IMMOBILIZATION OR IMPOUNDMENT PURSUANT TO THIS ARTICLE SHALL DO BOTH OF THE  
27 FOLLOWING WHEN THE VEHICLE IS REMOVED:

28 1. PROVIDE TO THE TOW TRUCK OPERATOR A FORM THAT THE PEACE OFFICER  
29 SIGNS AND THAT INCLUDES THE FOLLOWING INFORMATION:

30 (a) THE VEHICLE IDENTIFICATION NUMBER.

31 (b) A NUMBER IDENTIFYING THE LAW ENFORCEMENT AGENCY AND THE OFFICER  
32 ORDERING THE TOW.

33 (c) THE YEAR, MAKE AND MODEL OF THE VEHICLE.

34 (d) THE LICENSE PLATE NUMBER IF AVAILABLE.

35 (e) THE DATE AND TIME THE VEHICLE WAS TOWED.

36 (f) THE ADDRESSES FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED.

37 (g) THE NAME, ADDRESS AND TELEPHONE NUMBER, IF THE TELEPHONE NUMBER IS  
38 KNOWN, OF THE REGISTERED OWNER AND THE PRIMARY LIENHOLDER OF THE VEHICLE TO  
39 PERMIT THE TOWING COMPANY TO NOTIFY THE REGISTERED OWNER OR THE PRIMARY  
40 LIENHOLDER.

41 2. COMMUNICATE TO THE OFFICER'S LAW ENFORCEMENT AGENCY BOTH OF THE  
42 FOLLOWING AND PROVIDE TO THE TOWING COMPANY THAT TOWED THE VEHICLE THE NAME,  
43 ADDRESS AND TELEPHONE NUMBER, IF THE TELEPHONE NUMBER IS KNOWN, OF THE  
44 REGISTERED OWNER AND THE PRIMARY LIENHOLDER OF THE VEHICLE:

1 (a) THE NAME AND TELEPHONE NUMBER OF THE TOWING COMPANY TOWING THE  
2 VEHICLE.

3 (b) THE INFORMATION PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION.

4 B. THE LAW ENFORCEMENT AGENCY RECEIVING INFORMATION PURSUANT TO  
5 SUBSECTION A SHALL ELECTRONICALLY RECORD THE INFORMATION AS PRESCRIBED BY THE  
6 DEPARTMENT OF PUBLIC SAFETY. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE THE  
7 INFORMATION AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION.

8 C. WHEN THE DEPARTMENT OF TRANSPORTATION RECEIVES THE INFORMATION FROM  
9 THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF TRANSPORTATION SHALL SEND  
10 NOTICE BY FIRST CLASS MAIL TO ALL PERSONS LISTED ON THE DEPARTMENT OF  
11 TRANSPORTATION'S RECORDS AS HAVING AN OWNERSHIP INTEREST IN THE VEHICLE. THE  
12 NOTICE SHALL INCLUDE THE VEHICLE IDENTIFICATION NUMBER, THE NAME AND  
13 TELEPHONE NUMBER OF THE TOWING COMPANY THAT TOWED THE VEHICLE AND THE ADDRESS  
14 TO WHICH THE VEHICLE WAS TOWED. THE DIRECTOR OF THE DEPARTMENT OF  
15 TRANSPORTATION MAY INCLUDE ADDITIONAL INFORMATION ON THE NOTICE AS THE  
16 DIRECTOR DEEMS NECESSARY.

17 Sec. 4. Section 28-4802, Arizona Revised Statutes, is amended to read:  
18 28-4802. Fees

19 A. Except as provided in subsection B of this section, the owner of  
20 record of a vehicle at the time of abandonment of the vehicle is liable to  
21 the department for the transfer of ownership or disposal in the amount of  
22 fifty dollars if the vehicle was:

23 1. Abandoned and junked pursuant to article 3 of this chapter on  
24 private property or public land or on or within the right-of-way of a street  
25 or highway.

26 2. Abandoned on private property or public land or on or within the  
27 right-of-way of a street or highway and the department issues a transfer of  
28 ownership pursuant to the procedures prescribed by this chapter.

29 3. Abandoned and junked pursuant to article 3 of this chapter and  
30 towed with the written permission of the state land commissioner from state  
31 trust land located within the boundaries of an incorporated city or town.

32 B. The owner of record of a vehicle at the time of abandonment is  
33 liable to the department for the transfer of ownership or disposal in the  
34 amount of two hundred dollars if the vehicle was:

35 1. Abandoned and junked pursuant to article 3 of this chapter and  
36 towed with the written permission of the governing authority off of national  
37 forest, state park, bureau of land management or state trust land located  
38 outside the boundaries of an incorporated city or town.

39 2. Abandoned and towed with the written permission of the governing  
40 authority off of national forest, state park, bureau of land management or  
41 state trust land located outside the boundaries of an incorporated city or  
42 town and the department issues a transfer of ownership pursuant to the  
43 procedures prescribed by this chapter.

44 3. Abandoned outside the right-of-way of a street or highway located  
45 outside the boundaries of an incorporated city or town.

1 C. In addition to the registration fee or driver license fee  
2 prescribed by sections 28-2003 and 28-3002, the department shall collect the  
3 fee prescribed in subsections A and B of this section as an additional  
4 registration fee at the time the owner of the vehicle subsequently registers  
5 another vehicle in this state or as an additional driver license fee at the  
6 time the owner of the vehicle subsequently applies for or renews a driver  
7 license issued by this state. The department shall deposit, pursuant to  
8 sections 35-146 and 35-147, the additional fee collected for the transfer of  
9 ownership or disposal in the abandoned vehicle administration fund  
10 established by section 28-4804.

11 D. The department:

12 1. Shall notify the owner of an abandoned vehicle for which ownership  
13 has been transferred or of a junk vehicle that has been disposed of about the  
14 additional fee at the time of a subsequent vehicle registration or driver  
15 license application or renewal.

16 2. Shall provide a complete description of the abandoned or junked  
17 vehicle, the vehicle identification number of the vehicle and the date on  
18 which the vehicle was disposed of or ownership was transferred by the  
19 department.

20 3. May waive the additional fee if the person provides proof  
21 satisfactory to the director that the vehicle had been transferred or  
22 assigned to another person before the day of abandonment.

23 4. May prescribe by rule a fee of not more than ten dollars for  
24 processing an abandoned vehicle report.

25 5. MAY PRESCRIBE BY RULE AN ADDITIONAL ABANDONED VEHICLE REPORT FEE.

26 Sec. 5. Section 28-4804, Arizona Revised Statutes, is amended to read:

27 28-4804. Abandoned vehicle administration monies: deposit

28 The department ~~may receive monies pursuant to section 28-4802 and~~ SHALL  
29 DEPOSIT all monies collected pursuant to this chapter ~~for deposit~~ in the  
30 state highway fund established by section 28-6991. The department OF  
31 TRANSPORTATION shall use monies collected pursuant to this chapter to carry  
32 out the duties prescribed by this chapter AND TO REIMBURSE THE DEPARTMENT'S  
33 AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PROVIDER FOR COSTS INCURRED  
34 RELATING TO TRANSMITTING THE INFORMATION PRESCRIBED BY SECTION 28-4836.

35 Sec. 6. Section 28-4834, Arizona Revised Statutes, is amended to read:

36 28-4834. Vehicle removal

37 A. An officer who has reasonable grounds to believe that a vehicle has  
38 been lost, stolen, abandoned or otherwise unclaimed may remove or cause the  
39 removal of the vehicle from any street or highway or on any other public,  
40 federal, state trust, national forest, state park or bureau of land  
41 management land or private property.

42 B. In counties with a population of less than one million five hundred  
43 thousand persons, before an officer removes or causes the removal of a  
44 vehicle that is abandoned as provided in section 28-4839 from the person in  
45 possession of the vehicle, the owner or lienholder of the vehicle or any

1 other person who has an interest in the vehicle shall pay the person on whose  
2 property the vehicle was discovered an amount that does not exceed five  
3 dollars for each day of storage up to a maximum of five hundred dollars for  
4 the storage of the vehicle and the fee for processing an abandoned vehicle  
5 report as prescribed by section 28-4802 if the person on whose property the  
6 vehicle was discovered does both of the following:

7 1. Notifies a law enforcement agency by telephone in the jurisdiction  
8 where the vehicle was discovered of the presence of the vehicle on the  
9 person's property within forty-eight hours after the property owner  
10 discovered the vehicle.

11 2. Gives notice of abandonment of the vehicle in the manner prescribed  
12 by law.

13 C. This section does not require a law enforcement agency to pay any  
14 charges related to a vehicle that a law enforcement agency is required or  
15 otherwise authorized by law to impound or remove.

16 D. If a person removes or causes the removal of an abandoned vehicle  
17 from private property, the person shall both:

18 1. Obtain written authorization from the owner or lessee of the  
19 property on a form prescribed by the director.

20 2. Submit the form and the vehicle identification form to the  
21 department.

22 E. An officer who is employed by a public agency or political  
23 subdivision and who has removed an abandoned vehicle pursuant to this section  
24 or who has removed or caused to be removed a vehicle pursuant to section  
25 28-872 shall inspect the vehicle and shall **DO BOTH OF THE FOLLOWING:**

26 1. Complete the vehicle identification form prescribed or approved by  
27 the director. The agency or political subdivision shall make an inquiry to  
28 determine whether the abandoned vehicle is a stolen abandoned vehicle.

29 2. **COMMUNICATE ALL OF THE FOLLOWING TO THE OFFICER'S LAW ENFORCEMENT**  
30 **AGENCY AND PROVIDE TO THE TOWING COMPANY THAT TOWED THE VEHICLE THE NAME,**  
31 **ADDRESS AND TELEPHONE NUMBER, IF THE TELEPHONE NUMBER IS KNOWN, OF THE**  
32 **REGISTERED OWNER AND THE PRIMARY LIENHOLDER OF THE VEHICLE:**

33 (a) **THE VEHICLE IDENTIFICATION NUMBER.**

34 (b) **A NUMBER IDENTIFYING THE LAW ENFORCEMENT AGENCY AND THE OFFICER**  
35 **ORDERING THE TOW.**

36 (c) **THE YEAR, MAKE AND MODEL OF THE VEHICLE.**

37 (d) **THE LICENSE PLATE NUMBER IF AVAILABLE.**

38 (e) **THE DATE AND TIME THE VEHICLE WAS TOWED.**

39 (f) **THE ADDRESSES FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED.**

40 F. **THE OFFICER SHALL PROVIDE THE TOW TRUCK OPERATOR WITH THE FORM**  
41 **DESCRIBED IN SUBSECTION E, PARAGRAPH 1 OF THIS SECTION. THE TOW TRUCK**  
42 **OPERATOR MUST PROVIDE THE FORM TO THE PERSON RESPONSIBLE FOR FILING THE**  
43 **ABANDONED VEHICLE REPORT PURSUANT TO SECTION 28-4838. THE PERSON RESPONSIBLE**  
44 **FOR FILING THE ABANDONED VEHICLE REPORT SHALL SUBMIT THE FORM TO THE**  
45 **DEPARTMENT AT THE TIME THE PERSON FILES THE ABANDONED VEHICLE REPORT.**

1 G. THE LAW ENFORCEMENT AGENCY RECEIVING INFORMATION PURSUANT TO  
2 SUBSECTION E OF THIS SECTION SHALL ELECTRONICALLY RECORD THE INFORMATION AS  
3 PRESCRIBED BY THE DEPARTMENT OF PUBLIC SAFETY. THE DEPARTMENT OF PUBLIC  
4 SAFETY SHALL MAKE THE INFORMATION AVAILABLE TO THE DEPARTMENT OF  
5 TRANSPORTATION.

6 H. WHEN THE DEPARTMENT OF TRANSPORTATION RECEIVES THE INFORMATION FROM  
7 THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF TRANSPORTATION SHALL SEND  
8 NOTICE BY FIRST CLASS MAIL TO ALL PERSONS LISTED ON THE DEPARTMENT OF  
9 TRANSPORTATION'S RECORDS AS HAVING AN OWNERSHIP INTEREST IN THE VEHICLE. THE  
10 NOTICE SHALL INCLUDE THE VEHICLE IDENTIFICATION NUMBER, THE NAME AND  
11 TELEPHONE NUMBER OF THE TOWING COMPANY THAT TOWED THE VEHICLE AND THE ADDRESS  
12 TO WHICH THE VEHICLE WAS TOWED. THE DIRECTOR OF THE DEPARTMENT OF  
13 TRANSPORTATION MAY INCLUDE ADDITIONAL INFORMATION ON THE NOTICE AS THE  
14 DIRECTOR DEEMS NECESSARY.

15 ~~F.~~ I. A person who has removed or caused to be removed an abandoned  
16 vehicle from public land pursuant to section 28-4802 or private property  
17 shall have the vehicle inspected by an officer or agent of the department who  
18 shall complete the vehicle identification form prescribed by the director.  
19 The officer or agent designated by the director shall make an inquiry to  
20 determine whether the abandoned vehicle is a stolen abandoned vehicle AND  
21 ELECTRONICALLY COMMUNICATE THE VEHICLE INFORMATION PRESCRIBED BY THIS SECTION  
22 TO THE DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT.

23 Sec. 7. Section 28-4836, Arizona Revised Statutes, is amended to read:

24 28-4836. Towed vehicles; notification; violation;  
25 classification

26 A. Except if acting under the direction of a peace officer, a person  
27 who moves or tows a vehicle into a public garage, parking lot, storage yard  
28 or automotive recycling yard or on private property without the consent of  
29 the vehicle owner or the owner's agent shall DO BOTH OF THE FOLLOWING WITHIN  
30 ONE HOUR AFTER THE VEHICLE IS MOVED OR TOWED:

31 1. Notify the law enforcement agency of the jurisdiction where the  
32 vehicle was located before the moving or towing. The notification shall be  
33 by telephone ~~within one hour of the time the vehicle is moved or towed.~~

34 2. ELECTRONICALLY COMMUNICATE ALL OF THE FOLLOWING TO THE DEPARTMENT  
35 THROUGH THE DEPARTMENT'S AUTHORIZED THIRD PARTY ELECTRONIC SERVICE PROVIDER  
36 IN A FORM PRESCRIBED BY THE DIRECTOR:

37 (a) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE TOWING COMPANY IN  
38 POSSESSION OF THE VEHICLE.

39 (b) THE VEHICLE IDENTIFICATION NUMBER IF AVAILABLE.

40 (c) THE YEAR, MAKE AND MODEL OF THE VEHICLE, IF KNOWN, OR A  
41 DESCRIPTION OF THE VEHICLE.

42 (d) THE LICENSE PLATE NUMBER IF AVAILABLE.

43 (e) THE DATE AND TIME THE VEHICLE WAS TOWED.

44 (f) THE ADDRESSES FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED.



1 B. A person who fails to comply with this section forfeits all claims  
2 for towing and storing the vehicle and is guilty of a class 1 misdemeanor.

3 Sec. 8. Section 28-4847, Arizona Revised Statutes, is amended to read:

4 28-4847. Insurance companies: release: fees: violation:  
5 classification: definition

6 A. ~~On payment of all reasonable towing, storage and related fees, a~~  
7 ~~towing company shall release a towed vehicle to a person designated in~~  
8 ~~writing by an insurance company.~~ The towing company shall release ~~the A~~  
9 ~~TOWED~~ vehicle ~~TO A PERSON DESIGNATED IN WRITING BY AN INSURANCE COMPANY~~  
10 during normal business hours on the day ~~both~~ the request for release ~~IS~~  
11 ~~PROVIDED TO THE TOWING COMPANY, THE DETAILED STATEMENT OF CHARGES IS PROVIDED~~  
12 ~~BY THE TOWING COMPANY AT NO COST~~ and payment ~~are~~ ~~FOR ALL REASONABLE TOWING,~~  
13 ~~STORAGE AND RELATED FEES IS~~ received by the towing company. The request for  
14 release shall be in writing and:

15 1. Shall indicate the name of the insurer as well as the name,  
16 address, ~~and~~ telephone number and fax number of a representative of the  
17 insurer.

18 2. Shall include the name, address and telephone number of the owner,  
19 the owner's written consent for release of the vehicle and the name of the  
20 insured, if different from the owner.

21 3. Shall include the insurer's claim number and the name of the person  
22 to whom the insurer authorizes release of the vehicle.

23 4. Shall be signed by the owner except as provided in paragraph 6 of  
24 this subsection.

25 5. May be faxed, mailed or hand delivered to the towing company.

26 6. If the written consent of the owner is not obtained pursuant to  
27 paragraph 2 of this subsection, the request for release shall include a  
28 statement that the insurer has authorization from the vehicle owner to remove  
29 the vehicle from the towing company's storage premises.

30 7. Shall include a statement that the owner has been informed that  
31 pursuant to this section the towing company is presumptively not responsible  
32 for any loss of personal property or damage to the vehicle that is not  
33 disclosed to the towing company before the insurer or the insurer's  
34 authorized agent removes the vehicle from the towing company's storage  
35 premises. The notice shall also include a statement that the owner may  
36 inspect the vehicle at the towing company's storage premises, may remove any  
37 personal property from the vehicle and may report any damage to the vehicle  
38 to the towing company at the time of inspection. ~~THE TOWING COMPANY SHALL~~  
39 ~~NOT REQUIRE PAYMENT FOR THE REMOVAL OF PERSONAL PROPERTY THAT IS INSIDE THE~~  
40 ~~VEHICLE IF THE REMOVAL IS DURING BUSINESS HOURS. FOR THE PURPOSES OF THIS~~  
41 ~~PARAGRAPH, PERSONAL PROPERTY DOES NOT INCLUDE ANY VEHICLE PARTS, VEHICLE~~  
42 ~~EQUIPMENT OR VEHICLE ACCESSORIES.~~

43 B. ~~AFTER AN INSURANCE COMPANY HAS COMPLETED A REQUEST FOR RELEASE OF A~~  
44 ~~VEHICLE AND BEFORE PAYMENT IS MADE FOR THE RELEASE OF THAT VEHICLE, THE~~  
45 ~~TOWING COMPANY SHALL PROVIDE TO THE INSURANCE COMPANY AT NO COST A DETAILED~~

1 WRITTEN STATEMENT OF ALL CHARGES FOR TOWING, STORAGE AND RELATED FEES.  
2 ADDITIONAL STORAGE CHARGES MAY ACCRUE UNTIL FINAL PAYMENT IS MADE AND THE  
3 VEHICLE IS REMOVED FROM THE PREMISES BY THE VEHICLE OWNER OR THE INSURANCE  
4 COMPANY OR THE PERSON DESIGNATED IN WRITING BY THE INSURANCE COMPANY.

5 ~~B.~~ C. If the vehicle owner does not inspect the vehicle pursuant to  
6 subsection A, paragraph 7 of this section ~~prior to~~ BEFORE removal of the  
7 vehicle to another premises, or has inspected the vehicle and has had the  
8 opportunity to remove personal property in the vehicle, a rebuttable  
9 presumption shall be created that damage to the vehicle and any loss of  
10 personal property in the vehicle occurred while the vehicle was not in the  
11 custody of the towing company. The presumption may be overcome by a  
12 preponderance of evidence to the contrary.

13 ~~C.~~ D. Except for proration for partial days, a towing company shall  
14 not charge additional storage fees for a vehicle after a request for release  
15 and payment has been made pursuant to subsection A of this section if both of  
16 the following apply:

17 1. The insurance company or its representative provides the written  
18 request for release as prescribed in this section.

19 2. The insurance company or its representative removes the vehicle  
20 from the towing company's storage premises during normal business hours on  
21 the day the towing company receives the request for release.

22 E. A PERSON IN THIS STATE MAY CHOOSE ANY VEHICLE REPAIR FACILITY FOR  
23 THE REPAIR OF A MOTOR VEHICLE. AT THE SAME TIME A TOWING COMPANY OR OPERATOR  
24 OF A TOWING VEHICLE PROVIDES INFORMATION ABOUT A VEHICLE REPAIR FACILITY, THE  
25 COMPANY OR OPERATOR SHALL INFORM THE PERSON OF BOTH OF THE FOLLOWING:

26 1. THE PERSON'S RIGHT TO CHOOSE ANY VEHICLE REPAIR FACILITY FOR THE  
27 REPAIR OF A MOTOR VEHICLE.

28 2. ANY COMMONALITY OF OWNERSHIP BETWEEN THE VEHICLE REPAIR FACILITY  
29 AND EITHER THE TOWING COMPANY OR THE OPERATOR OF THE TOWING VEHICLE.

30 F. A TOWING COMPANY SHALL NOT TOW OR TRANSPORT A VEHICLE FROM ITS  
31 STORAGE LOT WITHOUT THE PRIOR PERMISSION OF THE VEHICLE OWNER OR THE  
32 INSURANCE COMPANY. THE TOWING COMPANY MAY MOVE A VEHICLE BETWEEN ITS OWN  
33 STORAGE LOTS WITHOUT OBTAINING PRIOR PERMISSION. THE TOWING COMPANY SHALL  
34 NOT CHARGE ANY ADDITIONAL FEE OR OTHER MONIES TO A VEHICLE OWNER OR AN  
35 INSURANCE COMPANY AS A RESULT OF ANY CHANGE IN LOCATION OF THE VEHICLE  
36 BETWEEN ITS OWN STORAGE LOTS.

37 G. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, A VEHICLE  
38 REPAIR FACILITY OR ANY EMPLOYEE OF A VEHICLE REPAIR FACILITY SHALL NOT PAY OR  
39 AGREE TO PAY, AND A TOWING COMPANY OR ANY EMPLOYEE OF A TOWING COMPANY SHALL  
40 NOT ACCEPT OR AGREE TO ACCEPT, ANY MONIES, FEES, COMMISSIONS, CREDITS, GIFTS,  
41 GRATUITIES, THINGS OF VALUE OR OTHER COMPENSATION THAT IS PROVIDED DIRECTLY  
42 OR INDIRECTLY FOR THE PURPOSE OF INDUCING THE TOWING COMPANY OR ANY EMPLOYEE  
43 OF A TOWING COMPANY TO DO ANY OF THE FOLLOWING:

1           1. ATTEMPT TO INTIMIDATE, UNREASONABLY PERSUADE OR INDUCE THE PERSON  
2 REQUESTING THE TOW OR TRANSPORT OF A VEHICLE TO CHOOSE THE SERVICES OF THE  
3 VEHICLE REPAIR FACILITY RECOMMENDED BY THE TOWING COMPANY.

4           2. REFUSE TO TOW OR TRANSPORT THE VEHICLE UNLESS THE PERSON REQUESTING  
5 THE TOW OR TRANSPORT OF A VEHICLE AGREES TO THE VEHICLE REPAIR FACILITY  
6 RECOMMENDED BY THE TOWING COMPANY.

7           3. DELIVER A VEHICLE TO A VEHICLE REPAIR FACILITY OTHER THAN THE  
8 VEHICLE REPAIR FACILITY CHOSEN BY THE PERSON REQUESTING THE TOW OR TRANSPORT  
9 OF THE VEHICLE.

10          4. MAKE AN INTENTIONAL MISREPRESENTATION REGARDING THE CONDITION OF  
11 THE VEHICLE, THE PERSON'S INSURER OR A SPECIFIC VEHICLE REPAIR FACILITY.

12          H. AN AUTOMOBILE MEMBERSHIP ASSOCIATION THAT TOWS ITS MEMBERS'  
13 VEHICLES IN ACCORDANCE WITH THE ASSOCIATION'S TERMS OF MEMBERSHIP MAY PAY ITS  
14 EMPLOYEES IN THE NORMAL COURSE OF BUSINESS.

15          I. UNLESS OTHERWISE DIRECTED BY A LAW ENFORCEMENT OFFICER, THE TOWING  
16 COMPANY SHALL TOW THE VEHICLE TO ONE OF THE FOLLOWING LOCATIONS, IN THE  
17 FOLLOWING ORDER OF PRIORITY:

18           1. A LOCATION SPECIFIED BY THE OWNER OF THE VEHICLE IF THE OWNER IS  
19 PRESENT AT THE TIME OF THE TOW AND IS CAPABLE OF INDICATING THE OWNER'S  
20 PREFERENCE.

21           2. A VEHICLE STORAGE YARD DESIGNATED IN THE CONTRACT UNDER WHICH THE  
22 TOWING COMPANY HAS RESPONSIBILITY FOR TOWING THE VEHICLE.

23          J. SUBSECTION E OF THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OR  
24 CAUSE OF ACTION TO OR ON BEHALF OF ANY PERSON.

25          ~~D.~~ K. This section does not create a cause of action or a right to  
26 bring an action against a towing company for releasing a motor vehicle to a  
27 person other than the owner if the written authorization as prescribed in  
28 this section is provided to the towing company by the owner or an insurance  
29 company.

30          L. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A PETTY OFFENSE. A  
31 PERSON WHO SUBSEQUENTLY VIOLATES THIS SECTION WITHIN THIRTY-SIX MONTHS AFTER  
32 A PRIOR VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

33          ~~E.~~ M. For the purposes of this section, ~~:-~~:

34           1. "GIFT" DOES NOT INCLUDE AN ITEM OF NOMINAL VALUE.

35           2. "Owner" has the same meaning ~~as defined~~ PRESCRIBED in section  
36 28-101.

37          Sec. 9. Heading change

38          The chapter heading of title 28, chapter 11, Arizona Revised Statutes,  
39 is changed from "ABANDONED, SEIZED AND JUNK VEHICLES" to "ABANDONED, SEIZED,  
40 JUNK AND TOWED VEHICLES".

1       Sec. 10. Title 28, chapter 11, Arizona Revised Statutes, is amended by  
2 adding article 4, to read:

3           ARTICLE 4. PRIVATE PROPERTY TRESPASS TOWERS

4       28-4901. Definition of private property trespass tower

5       IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PRIVATE  
6 PROPERTY TRESPASS TOWER" MEANS ANY PERSON WHO DOES BOTH OF THE FOLLOWING:

7       1. COMMERCIALLY OFFERS SERVICES TO TOW, TRANSPORT OR IMPOUND MOTOR  
8 VEHICLES FROM PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE OWNER OR  
9 OPERATOR OF THE VEHICLE.

10       2. USES A VEHICLE DESIGNED FOR OR ADAPTED TO PERFORM THE SERVICES  
11 PRESCRIBED BY PARAGRAPH 1.

12       28-4902. Towing rates

13       A. EACH PERSON ENGAGING IN THE BUSINESS OF A PRIVATE PROPERTY TRESPASS  
14 TOWER IS SUBJECT TO THE RATES ESTABLISHED BY A CITY OR TOWN PURSUANT TO  
15 SECTION 9-499.05 OR A COUNTY PURSUANT TO SECTION 11-251.04.

16       B. IF A CITY, TOWN OR COUNTY DOES NOT SET RATES FOR PRIVATE PROPERTY  
17 TRESPASS TOWING, THE CONTRACT OR WRITTEN AUTHORIZATION ENTERED INTO BETWEEN  
18 THE TOWER AND PRIVATE PROPERTY OWNER OR OWNER'S AGENT SHALL SPECIFY RATES FOR  
19 THE FOLLOWING:

20       1. THE COMMERCIAL TOWING OR REMOVAL OF TRESPASSING VEHICLES FROM  
21 PRIVATE PROPERTY.

22       2. THE STORAGE FOR PERIODS OF MORE THAN TWENTY-FOUR HOURS OF VEHICLES  
23 IN CONNECTION WITH TOWING OR REMOVAL.

24       3. OTHER SERVICES PROVIDED BY A PRIVATE PROPERTY TRESPASS TOWER.

25       28-4903. Towing performed pursuant to police action

26       THIS ARTICLE DOES NOT REGULATE OR OTHERWISE AFFECT TOWING PERFORMED BY  
27 ANY PRIVATE PROPERTY TRESPASS TOWER OR PRIVATE TOWING CARRIER PURSUANT TO THE  
28 ORDER OR REQUEST OF A LAW ENFORCEMENT OFFICIAL OR AGENCY PURSUANT TO SECTION  
29 28-872, 28-3511 OR 28-4834.

30       28-4904. Record requirements

31       A. EACH PRIVATE PROPERTY TRESPASS TOWER WHO TOWS VEHICLES PURSUANT TO  
32 THIS ARTICLE SHALL KEEP AND MAINTAIN AT THE PRIVATE PROPERTY TRESPASS TOWER'S  
33 PLACE OF BUSINESS, OR AT EACH OF THE TOWER'S PLACES OF BUSINESS IF THE TOWER  
34 HAS MORE THAN ONE, A PERMANENT RECORD IN A FORM PRESCRIBED BY THE DIRECTOR  
35 RECORDING AND DESCRIBING THE FOLLOWING FOR EACH VEHICLE REMOVED BY THE  
36 PRIVATE PROPERTY TRESPASS TOWER:

37       1. THE MAKE, MODEL AND DESCRIPTION OF THE VEHICLE.

38       2. THE NAME OF THE OWNER OF THE VEHICLE OR OWNER'S AGENT REQUESTING  
39 RELEASE OF THE VEHICLE.

40       3. THE NUMBER OF THE LICENSE PLATE OF THE VEHICLE OR THE VEHICLE  
41 IDENTIFICATION NUMBER IF AVAILABLE.

42       4. THE EXTERIOR CONDITION OF THE VEHICLE.

43       5. THE ADDRESSES FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED OR  
44 TRANSPORTED.

1 B. THE PRIVATE PROPERTY TRESPASS TOWER SHALL MAINTAIN THE RECORD AT  
2 THE TOWER'S ESTABLISHED PLACE OF BUSINESS FOR A PERIOD OF AT LEAST THREE  
3 YEARS AFTER THE DATE OF REMOVING EACH VEHICLE RECORDED.

4 C. AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT OR ANY LAW ENFORCEMENT  
5 AGENCY MAY INSPECT THE RECORDS KEPT BY THE PRIVATE PROPERTY TRESPASS TOWER AT  
6 ANY TIME DURING REGULAR BUSINESS HOURS.

7 D. DURING BUSINESS HOURS AND AFTER REASONABLE DEMAND, EACH PRIVATE  
8 PROPERTY TRESPASS TOWER SHALL ALLOW ANY PERSON DESCRIBED IN SUBSECTION C TO  
9 PHYSICALLY COMPARE THE RECORDS REQUIRED TO BE MAINTAINED WITH THE VEHICLES  
10 THAT ARE LOCATED AT THE TOWER'S PLACE OF BUSINESS.

11 28-4905. Unlawful practices

12 A. A PRIVATE PROPERTY TRESPASS TOWER SHALL:

13 1. BEFORE REMOVAL OF A VEHICLE, NOTIFY THE DEPARTMENT OF  
14 TRANSPORTATION AND THE LAW ENFORCEMENT AUTHORITIES IN THE JURISDICTION IN  
15 WHICH THE TRESPASSING VEHICLE WAS TOWED, TRANSPORTED OR IMPOUNDED AS  
16 PRESCRIBED IN SECTION 28-4836.

17 2. IN THE OFFICE OR LOCATION AT WHICH TOWED VEHICLES ARE ROUTINELY  
18 RETURNED TO THEIR OWNERS, PROMINENTLY POST THE NAME, ADDRESS AND TELEPHONE  
19 NUMBER OF THE NEAREST LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE  
20 CITY OR COUNTY WHERE THE VEHICLE IS RELEASED WHERE INQUIRIES OR COMPLAINTS  
21 MAY BE PRESENTED AND MAKE AVAILABLE IN WRITTEN FORM THE RELEVANT STATUTES AND  
22 RULES GOVERNING PRIVATE PROPERTY TRESPASS TOWERS.

23 B. A PRIVATE PROPERTY TRESPASS TOWER SHALL NOT:

24 1. TOW, TRANSPORT OR IMPOUND ANY VEHICLE FROM PRIVATE PROPERTY WITHOUT  
25 HAVING FIRST OBTAINED THE WRITTEN AUTHORIZATION OF THE PROPERTY OWNER OR  
26 OTHER PERSON IN LAWFUL POSSESSION OR CONTROL OF THE PROPERTY OR THE  
27 AUTHORIZED AGENT OF THAT PERSON. THE AUTHORIZATION MAY BE ON A CONTRACTUAL  
28 BASIS COVERING A SPECIFIC PERIOD OF TIME, NOT TO EXCEED ONE YEAR, OR LIMITED  
29 TO A SPECIFIC REMOVAL.

30 2. CHARGE TO OR ACCEPT OR OTHERWISE COLLECT FROM THE PRIVATE PROPERTY  
31 OWNER OR AUTHORIZED AGENT WHO REQUESTED THAT AN UNAUTHORIZED VEHICLE BE  
32 TOWED, TRANSPORTED OR IMPOUNDED FROM THE OWNER'S PROPERTY ANY FEES FOR  
33 REMOVING THE VEHICLE CONTRARY TO ANY TERMS THAT MAY BE PART OF THE CONTRACT  
34 BETWEEN THE PROPERTY OWNER AND THE PRIVATE TOWING CARRIER.

35 3. TOW, TRANSPORT OR IMPOUND A VEHICLE WHEN THE OWNER OR OPERATOR OF  
36 THE VEHICLE IS PRESENT OR ARRIVES AT THE VEHICLE LOCATION AT ANY TIME BEFORE  
37 THE COMPLETION OF REMOVAL OF THE VEHICLE FROM THE PRIVATE PROPERTY AND IS  
38 WILLING AND ABLE TO REMOVE THE VEHICLE IMMEDIATELY. IN SUCH CASE, NO FEE MAY  
39 BE CHARGED TO THE VEHICLE OWNER OR OPERATOR FOR RELEASE OF THE VEHICLE AT THE  
40 TOW SITE.

41 4. EXCEPT FOR AN ABANDONED VEHICLE, TOW, TRANSPORT OR IMPOUND ANY  
42 VEHICLE FROM PROPERTY ON WHICH SIGNS ARE REQUIRED AND ON WHICH SIGNS ARE NOT  
43 POSTED PURSUANT TO SECTION 9-499.05 OR 11-251.04.

1           5. IMPOSE ANY CHARGE FOR SERVICE OR STORAGE OTHER THAN THE RATES SET  
2 BY THE CITY OR TOWN PURSUANT TO SECTION 9-499.05, THE COUNTY PURSUANT TO  
3 SECTION 11-251.04 OR THE CONTRACT OR WRITTEN AUTHORIZATION PURSUANT TO  
4 SECTION 28-4902.

5           6. USE DRIVERS OR OTHER PERSONNEL WHO ARE NOT EMPLOYEES OR CONTRACTORS  
6 OF THE PRIVATE PROPERTY TRESPASS TOWER.

7           7. VIOLATE THIS ARTICLE.

8           28-4906. Civil and criminal penalties

9           THIS ARTICLE DOES NOT LIMIT OR ALTER THE VEHICLE OWNER'S CIVIL OR  
10 CRIMINAL LIABILITY FOR TRESPASS. THIS ARTICLE DOES NOT LIMIT OR ALTER THE  
11 CIVIL OR CRIMINAL LIABILITY OF ANY PERSON FOR ANY ACT OR OMISSION. ALL  
12 PENALTIES ACCRUING UNDER THIS ARTICLE ARE CUMULATIVE.

13           28-4907. Posting of rates

14           EACH PRIVATE PROPERTY TRESPASS TOWER SHALL PRINT AND KEEP OPEN TO THE  
15 PUBLIC ALL AUTHORIZED RATES AND CHARGES FOR TOWING, OTHERWISE MOVING AND  
16 STORING VEHICLES IN CONNECTION WITH THE REMOVAL OF UNAUTHORIZED VEHICLES FROM  
17 PRIVATE PROPERTY. THE RATES AND CHARGES SHALL BE CLEARLY STATED IN DOLLAR  
18 AMOUNTS AND SHALL BE POSTED IN THE FORM AND MANNER AND SHALL CONTAIN THE  
19 INFORMATION THAT THE DEPARTMENT PRESCRIBES BY RULE.

20           28-4908. Release of relocated vehicles; nonpayment;  
21 identification

22           BEFORE RELEASE OF A VEHICLE THAT IS TOWED, TRANSPORTED OR IMPOUNDED BY  
23 A PRIVATE PROPERTY TRESPASS TOWER PURSUANT TO THIS ARTICLE, THE OWNER OF THE  
24 VEHICLE OR THE OWNER'S AGENT SHALL PAY OR MAKE SATISFACTORY ARRANGEMENTS TO  
25 PAY FOR ANY TOWING AND STORAGE COSTS THAT COMPLY WITH THE RATES SET PURSUANT  
26 TO SECTION 9-499.05, SECTION 11-251.04 OR A CONTRACT OR WRITTEN AUTHORIZATION  
27 PURSUANT TO SECTION 28-4902, EXCEPT THAT A PRIVATE PROPERTY TRESPASS TOWER  
28 SHALL NOT REFUSE TO RELEASE TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT A  
29 VEHICLE THAT THE PRIVATE PROPERTY TRESPASS TOWER TOWS PURSUANT TO THIS  
30 ARTICLE IF THE OWNER OR THE OWNER'S AUTHORIZED AGENT REFUSES TO PAY THE  
31 TOWING AND STORAGE COSTS. THE PRIVATE PROPERTY TRESPASS TOWER MAY REQUIRE  
32 THE DISPLAY OF A DRIVER LICENSE OR OTHER RELIABLE IDENTIFICATION FROM THE  
33 PERSON CLAIMING THE VEHICLE.

34           28-4909. Civil remedies; definitions

35           A. PAYMENT OF THE TOWING AND STORAGE FEES BY THE VEHICLE OWNER OR THE  
36 OWNER'S AGENT TO OBTAIN THE RELEASE OF A VEHICLE FROM A TOWING COMPANY,  
37 OPERATOR OR DISPATCHER DOES NOT CONSTITUTE AN ADMISSION BY THE VEHICLE OWNER  
38 OR THE OWNER'S AGENT THAT THE VEHICLE WAS PARKED IN VIOLATION OF SECTION  
39 9-499.05 OR 11-251.04 OR LIMIT THE VEHICLE OWNER OR THE OWNER'S AGENT IN  
40 PURSUING ANY AVAILABLE CIVIL REMEDY TO DISPUTE ANY ACTION TAKEN BY THE  
41 FOLLOWING:

42           1. THE PROPERTY OWNER OR THE PROPERTY OWNER'S AGENT WHO IS EXERCISING  
43 AUTHORITY OVER THE PROPERTY FROM WHICH THE VEHICLE WAS TOWED.

44           2. THE PERSON ENGAGED IN THE BUSINESS OF A PRIVATE PROPERTY TRESPASS  
45 TOWER THAT TOWED THE OWNER'S VEHICLE.

1 B. THIS ARTICLE DOES NOT PRECLUDE A PERSON WHO IS ENGAGED IN THE  
2 BUSINESS OF A PRIVATE PROPERTY TRESPASS TOWER FROM PURSUING ANY AVAILABLE  
3 CIVIL REMEDY TO COLLECT FROM A VEHICLE OWNER ANY LAWFUL TOWING AND STORAGE  
4 FEES IMPOSED PURSUANT TO SECTION 9-499.05, SECTION 11-251.04 OR A CONTRACT OR  
5 WRITTEN AUTHORIZATION PURSUANT TO SECTION 28-4902.

6 C. FOR THE PURPOSES OF THIS SECTION:

7 1. "DISPATCHER" MEANS ANY PERSON WHO, AS AN EMPLOYEE OR AGENT OF A  
8 PRIVATE PROPERTY TRESPASS TOWER, DISPATCHES VEHICLES TO OR FROM LOCATIONS  
9 WHERE OPERATORS PERFORM REMOVAL ACTIVITIES.

10 2. "OPERATOR":

11 (a) MEANS ANY PERSON WHO DOES BOTH OF THE FOLLOWING:

12 (i) AS AN EMPLOYEE OF A PRIVATE PROPERTY TRESPASS TOWER, TOWS,  
13 TRANSPORTS OR IMPOUNDS MOTOR VEHICLES FROM PRIVATE PROPERTY WITHOUT THE  
14 PERMISSION OF THE OWNER OR OPERATOR OF THE VEHICLE.

15 (ii) USES A VEHICLE DESIGNED FOR OR ADAPTED TO PERFORM THE SERVICES  
16 PRESCRIBED BY ITEM (i).

17 (b) INCLUDES THE DRIVER OF ANY VEHICLE USED IN TOWING, TRANSPORTING OR  
18 IMPOUNDING A TRESPASSING VEHICLE FROM PRIVATE PROPERTY AND ANY PERSON OTHER  
19 THAN THE DRIVER WHO ASSISTS IN THE TOWING, TRANSPORTING OR IMPOUNDING OF A  
20 TRESPASSING VEHICLE FROM PRIVATE PROPERTY.

21 28-4910. Towers collecting rates and fees from private property  
22 owners; reimbursement from vehicle owner

23 A. A PRIVATE PROPERTY TRESPASS TOWER WHO TOWS A VEHICLE FROM PRIVATE  
24 PROPERTY MAY COLLECT FROM THE OWNER OF THE PRIVATE PROPERTY TOWING RATES AND  
25 STORAGE FEES RESULTING FROM THE TOW AND STORAGE OF THE VEHICLE.

26 B. A PRIVATE PROPERTY OWNER WHO PAYS A PRIVATE PROPERTY TRESPASS TOWER  
27 PURSUANT TO SUBSECTION A MAY SEEK REIMBURSEMENT FROM THE VEHICLE OWNER FOR  
28 THE TOWING RATES AND STORAGE FEES PAID.

29 28-4911. Violation; classification

30 A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A CLASS 1 MISDEMEANOR.

31 Sec. 11. Delayed repeal

32 Title 28, chapter 11, article 4, Arizona Revised Statutes, as added by  
33 this act, is repealed from and after June 30, 2018.